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# Bankruptcy law update 2021

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# *Manolete Partners Plc v Hayward and Barrett Holdings Ltd* [2021] EWHC 1481 (Ch)

- Corporate case, relevant to personal insolvency
- Procedure - bringing a Part 7 claim under an insolvency application notice
  - When and why is this an issue?
  - Can it be done?
  - How can this be resolved?
  - What is best practice?

# *Wilson & Partners Ltd v Sinclair and Ors* [2021] EWCA Civ 505

- Bringing insolvency proceedings for tactical purposes - the risks
- Cannot claim when you are the one who loses out...
- Attempt to have an interim third party debt order made final, refused, appeal brought and permission granted
- Bankruptcy made final before appeal hearing
- Attachment not completed before commencement of bankruptcy - benefit unavailable

# *Brake & Ors v Lowes & Ors* [2020] EWCA Civ 1491

- Standing of discharged bankrupt to challenge conduct of trustee-in-bankruptcy and liquidator of former partnership
  - Bankruptcy
    - As trustees of the settlement
    - As former bankrupts
  - Liquidation
    - As trustees of the settlement
    - As unsecured creditors

Thank you for your attendance.

Any questions?